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82D CONGRESS, 1st Session | SENATE | REPORT No. 686

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HAWAIIAN AIRLINES, LTD.

AUGUST 20 (legislative day, AUGUST 14), 1951.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 725]

The Committee on the Judiciary, to which was referred the bill (H. R. 725) to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of the Hawaiian Airlines, Ltd., having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

AMENDMENT

On line 20, page 2, change the period to a colon and insert the following:

Provided, That the passage of this Act shall not be construed as an inference of liability on the part of the United States Government.

PURPOSE

The purpose of the proposed legislation is to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of the Hawaiian Airlines, Ltd.

STATEMENT

On June 16, 1942, at about 8 a. m., an Army airplane started to take off from the John Rodgers Airport, Oahu, T. H., on an authorized mission. Due both to the poor condition of the field and to mechanical troubles, the pilot encountered difficulty in taking off with the result that this plane struck and damaged a plane owned by the Hawaiian

Airlines, Ltd., which, at the time, was parked on a strip provided for that purpose.

It appears that the insurance feature of this claim is by way of a loan to the claimant from the insurance company, and money received by them is not to be a payment of the claim. While the committee as a general rule does not look with favor on claims involving subrogation, the committee is not adverse to having the claim referred to the United States Court of Claims for its judicial interpretation.

The committee therefore recommends that the bill H. R. 725 be considered favorably.

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